Customs Bulletin

Regulations, Rulings, Decisions, and Notices concerning Customs and related matters



and Decisions

of the United States Court of Customs and Patent Appeals and the United States Customs Court

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T.D. 77-265 through 77-270
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DEPARTMENT OF THE TREASURY U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 77-265)

Cotton and Manmade Fiber Textile Products-Restriction on Entry

Restriction on entry of cotton and manmade fiber textile products manufactured or produced in Macau

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 3, 1977.

There is published below a directive of October 12, 1977, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton and manmade fiber textile products in certain categories manufactured or produced in Macau. This directive amends, but does not cancel, that Committee's directive of December 29, 1976 (T.D. 77-46).

This directive was published in the FEDERAL REGISTER on October 17, 1977 (42 FR 55489), by the Committee.

(QUO-2-1)

UNITED STATES DEPARTMENT OF COMMERCE The Assistant Secretary for Domestic and International Business Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

October 12, 1977.

Commissioner of Customs Department of the Treasury Washington, D.C. 20229 DEAR MR. COMMISSIONER:

On December 29, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977, of cotton and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 5 and 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on October 12, 1977, to further amend the levels of restraint established in the directive of December 29, 1976 for Categories 50/51 and 229 and to amend the sublimit established for Category 43/62 part to the following:

Category	Amended Tu	velve-Month Level of Restraint 2
43/62 pt.3	283,097 do	zen
50/51	254,514 do	zen
229	180,332 do	zen

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

² The levels of restraint have not been adjusted to reflect any imports after December 31, 1976.

³ In Category 62, only T.S.U.S.A. Nos: 380.0027, 382.0002, 382.0026, 382.0605, 382.0610, 382.3904 and 382.6094.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ROBERT E. SHEPHERD Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

(T.D. 77-266)

Manmade Fiber Textile Products-Restriction on Entry

Restriction on entry of manmade fiber textile products manufactured or produced in Mexico

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 3, 1977.

There is published below a directive of October 7, 1977, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of manmade fiber textile products in certain categories manufactured or produced in Mexico. This directive amends, but does not cancel, that Committee's directive of April 22, 1977 (T.D. 77–140).

This directive was published in the FEDERAL REGISTER on October 13, 1977 (42 FR 55131), by the Committee.

(QUO-2-1)

UNITED STATES DEPARTMENT OF COMMERCE The Assistant Secretary for Domestic and International Business Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

October 7, 1977.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229
DEAR MR. COMMISSIONER:

On April 22, 1977, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of man-made fiber textile products in certain specified categories, produced or manufactured in Mexico and exported to the United States during the agreement year which began on May 1, 1977, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on October 7, 1977, the levels of restraint established in the directive of April 22, 1977 for man-made fiber textile products in Categories 225 and 238 to the following amounts:

Category	Amended Twelve-Month Level of Restraint 3
225	2,200,787 dozen
238	958,495 dozen

The actions taken with respect to the Government of Mexico and with respect to imports of man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs,

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryvorer and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

³ The levels of restraint have not been adjusted to reflect any entries after April 30, 1977.

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being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ROBERT E. SHEPHERD

Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

(T.D. 77-267)

Foreign Currencies-Daily Rates for Countries Not on Quarterly List

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 27, 1977.

The Federal Reserve Bank of New York, pursuant to section 522(c); Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159), Subpart C).

Hong Kong dollar:	
October 17, 1977	\$0.2132
October 18, 1977	. 21341/2
October 19, 1977	. 2124
October 20, 1977	. 2122
October 21, 1977	. 2121
Iran rial:	
October 17–21, 1977	\$0.0141
Philippines peso:	
October 17, 1977	\$0.1357
October 18, 1977	. 1357
October 19, 1977	. 1357
October 20, 1977	. 1357
October 21, 1977	. 1360

Singapore dollar:	
October 17, 1977	\$0.4140
October 18, 1977	
October 19, 1977	. 4140
October 20, 1977	.4134
October 21, 1977	. 4143½
Thailand baht (tical):	
October 17-21, 1977	\$0.0490
(LIQ-3)	

John B. O'Loughlin,

Director,

Duty Assessment Division.

(T.D. 77-268)

Foreign Currencies—Daily Rates for Countries Not On Quarterly List

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY, OFFICE OF THE COMMISSIONER OF CUSTOMS, Washington, D.C., November 4, 1977.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Hong Kong dollar:	
October 24, 1977	\$0.2122
October 25, 1977	. 2129
October 26, 1977	. 2128
October 27, 1977	. 2128
October 28, 1977	. 2120
Iran rial:	
October 24-28, 1977	\$0.0141

Philippines peso: October 24–28, 1977	\$0. 1360
Singapore dollar:	
October 24, 1977	\$0.4147
October 25, 1977	
October 26, 1977	. 41621/2
October 27, 1977	. 4170
October 28, 1977	. 4165
Thailand baht (tical):	
October 24-28, 1977	\$0.0490
(LIQ-3)	

John B. O'Loughlin, Director, Duty Assessment Division.

(T.D. 77-269)

Cotton Textile Products—Restriction on Entry

Restriction on entry of cotton textile products manufactured or produced in Romania

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 9, 1977.

There is published below a directive of October 14, 1977, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton textile products in category 51 manufactured or produced in Romania. This directive amends, but does not cancel, that Committee's directive of December 20, 1976 (T.D. 77–47).

This directive was published in the FEDERAL REGISTER on October 19, 1977 (42 FR 55836), by the Committee.

(QUO-2-1)

UNITED STATES DEPARTMENT OF COMMERCE The Assistant Secretary for Domestic and International Business Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

October 14, 1977.

Commissioner of Customs Department of the Treasury Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive amends, but does not cancel, the directive issued to you on December 20, 1976 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Romania.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of June 2, 1975 between the Governments of the United States and the Socialists Republic of Romania, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on October 20, 1977, and for the twelve-month period which began on January 1, 1977 and extends through December 31, 1977 to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption of cotton textile products in Category 51, produced or manufactured in Romania, in excess of 59,842 dozen.

Cotton textile products in Category 51 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico. The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation to Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL
Acting Chairman, Committee for the
Implementation of Textile Agreements

(T.D. 77-270)

Manmade Fiber Textile Products-Restriction on Entry

Restriction on entry of manmade fiber textile products manufactured or produced in the Philippines

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 9, 1977.

There is published below a directive of October 13, 1977, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of manmade fiber textile products in category 221 manufactured or produced in the Philippines. This directive amends, but does not cancel, that Committee's directive of September 22, 1976 (T.D. 76–297).

This directive was published in the FEDERAL REGISTER on October 18, 1977, (42 FR 55632), by the Committee.

(QUO-2-1)

UNITED STATES DEPARTMENT OF COMMERCE The Assistant Secretary for Domestic and International Business Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

October 13, 1977.

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229
Dear Mr. Commissioner:

This directive further amends, but does not cancel, the directive issued to you on September 22, 1976 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain specified categories of cotton and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed effective on October 13, 1977 and for the period extending through December 31, 1977, to permit entry for consumption or withdrawal from warehouse for consumption, of man-made fiber textile products in T.S.U.S.A. numbers 382.0427 and 382.7870 in Category 221, produced or manufactured in the Philippines, without charge to the level of restraint established for Category 221.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ROBERT E. SHEPHERD

Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza New York, N.Y. 10007

Chief Judge

Edward D. Re

Judges

Paul P. Rao Morgan Ford Scovel Richardson Frederick Landis James L. Watson Herbert N. Maletz Bernard Newman Nils A. Boe

Senior Judge

Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, October 31, 1977.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

ROBERT E. CHASEN, Commissioner of Customs.

		.17	COTTRA	ASSESSED	HELD		PORT OF
DECISION	DATE OF DECISION	PLAINTIFF	No.	Par. or Item No. and Rate	Par. or Item No. and Rate	BASIS	ENTRY AND MERCHANDISE
P77/180	Ford, J. October 25, 1977	Morris Friedman & Cos	64/11128	Par. 397 15%	Par. 339 10%	Ignaz Strauss & Company, Inc. v. U.S. (C.A.D. 923)	Philadelphia Candlesticks
P77/181	Ford, J. October 25,	Norman G. Jensen, Inc.	74-3-00850	Item 692.35 5.5%	Item 692.30 Free of duty	U.S. v. Norman G. Jensen, Inc. (C.A.D. 1183)	International Falls—Ra- nier (Duluth) Tree Farmer tractors
P77/182	Watson, J. October 25, 1977	Montgomery Ward & Co.	75-5-01089	Item 685.30 6.5%	Item 678.50 5%	Montgomery Ward & Co. v. U.S. (C.D. 4573)	New York Stereo phono 8-track as- sembly
P77/183	Ford, J. October 26, 1977	Union Brokerage Co.	76-5-01287.	Item 207.00 11.5% (fence sections, fence gates, corner adapters, and cleats marked "A") Item 202.54 5% (fence posts marked "B")	Item 200.75 Duty-free (Items marked "A") Item 200.60 Duty-free (Items marked "B")	Arthur J. Humphreys, Inc. v. U.S. (C.D. 4588, aff'd C.A.D. 1168) (Hems marked "A" and "B")	Portal (Pembins) Red codar fence sections, fence gates, etc. (items marked "tems mod fence posts (items marked "B")
P77/184	Watson, J. October 26, 1977	Brentwood Originals	70/9321, etc.	Items 866.63 40% or 50% (items 865.78 50% or 46% (items 865.78 50% or 46% (items marked ''B'')	Item 863.30 12.5% (Items marked "A") Item 863,0 45% or 42.5% (Items marked "B")	Brentwood Originals v. U.S. (C.D.'s 4572, 4855)	Los Angeles Cotton covers for bolsters and bedrests

9	October 27,	Company	Rental	70-8-07	1tons 807.00/ 692.02 and 945.69 25% (Canadian trailer); entered duty-free	10th 052.27 4% (automobile 4railer) Truck-tractor is instrument of international traffe not	Agreed statement of facts	Ductoit trailer imported from Canada, pulled by an automoble gin
					(American truck-tractor)	subject to duty (19 USC 1322; 19 CFR 123.16(a))	9	
Fo	Ford, J. October 27, 1977	Norman G. Jensen, Inc./ North Pacific Lumber Co.	n, Inc./	72-6-01334, etc.	Item 207.00 15%, 13%, 11.5%, 10% or 8% (fence sections and fence gates	Item 200.76 Duty-free (items mark- ed "A") Item 200.60 Duty-free	Arthur J. Humphreys, Inc. v. U.S. (C.D. 4888, aff'd C.A.D. 1168) (items marked "A" and "B")	
					Item 202.54 7%, 6% or 5%, (corner adapters and cleats marked "A"; fence posts marked "B";	(Roms marked "B")		wood ienee posts (troms marked "B")
Fo	Ford, J. October 27, 1977.	G. J. Tower & Sons of Buffalo, Inc.	c.	76-11-02615	Items 692,02/ 945,69 28%	Item 692.27 4%	Agreed statement of facts	Port Huron (Detroit) Automobile trailer imported from Canada, pulled by an automobile truck-tractor of Amorti- can origin; truck-tractor is instrument of inter- national traffic not sub- ject to duty
Fo	Ford, J. October 27, 1977	United China & Glass Co.	lass Co.	75-6-01508	Item 653.37 9.5%	Item 653.35 6%	U.S. v. Morris Friedman & Co. (C.A.D.'s 1156, 1157)	New Orleans Brass illuminating articles

Decisions of the United States Customs Court

Abstracts

Abstracted Reappraisement Decisions

PORT OF ENTRY AND MERCHANDISE	Agreed statement of Houston facts Wiglets	\$27.00 per CWT less 15% Agreed statement of Port Huron (Detroit) cash discount, less facts freight of \$1.45 per CWT (Canadian Currency), less brokerage and duty included
BASIS	statement	statement
	Agreed	Agreed
HELD VALUE	\$1.10 each	\$27.00 per CWT less 1% cash discount, less freight of \$1.45 per CWT (Canadian Currency), less brokerage and duty included
BASIS OF VALUATION	Export value	74-7-02012 Constructed value
COURT NO.	75-6-01595	74-7-02012
PLAINTIFF COURT NO.	Boutique Wigs, Inc. 75-6-01595 Export value of Texas	F. W. Myers & Company, Inc.
JUDGE & DATE OF DECISION	Ford, J. October 27, 1977	Ford, J. October 27, 1977
DECISION	R77/128	R77/129

Appeal to United States Court of Customs and Patent Appeals

APPEAL 78-1.—Ciba-Geigy Corporation v. United States.—RIMACT-ANE—BENZENOID STRUCTURE—DRUG—ANTIBIOTIC PROCESSED BEYOND THE NATURAL STATE—TSUS. Appeal from C. D. 4713.

In this case an antibiotic drug (rimactane) was held properly assessed with duty at the rate of 1.7 cents per pound plus 12.5 percent ad valorem under item 407.85 of the Tariff Schedules of the United States (in the "benzenoid" part of schedule 4) as a drug obtained, derived or manufactured from a product provided for in schedule 4, part 1A or 1B. Plaintiff (appellant) claimed that the merchandise did not belong in the "benzenoid" part of schedule 4 and should be classified under item 437.32 as an antibiotic processed beyond the natural state, dutiable at the rate of 5 percent.

It is claimed that the Customs Court erred in holding that the imported merchandise, Rimactane, is properly classifiable under item 407.85, supra; in holding that the imported merchandise is not entitled to exclusion from classification in the "benzenoid" part of schedule 4 by virtue of headnote 3 to part 1 of schedule 4; and in failing to hold that the merchandise is properly classifiable under item 437.32, supra.

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U.S. Customs Service

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Manmade fiber textile products; restriction on entry:	
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Philippines	77 - 270

Customs Court

Appeal to U.S. Court of Customs and Patent Appeals (p. 15): Appeal:

78-1—Rimactane; benzenoid structure; drug; antibiotic processed beyond the natural state; TSUS.



DEPARTMENT OF THE TREASURY U.S. CUSTOMS SERVICE

U.S. CUSTOMS SERVICE WASHINGTON, D.C. 20229

POSTAGE AND FEES PAID
DEPARTMENT OF THE TREASURY (OUSTOMS)
(TREAS, 882)



OFFICIAL BUSINESS PENALTY FOR PRIVATE USE, \$300

> CB SERIA300SDISSDUE050R SERIALS PROCESSING DEPT UNIV MICROFILMS INTL 300 N ZEEB RD ANN ARBOR MI 48106

